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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,962	07/06/2001	Ali N. Saleh	M-9838 US	4375

33031 7590 09/09/2005

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EXAMINER	
TRAN, NGHI V	

ART UNIT	PAPER NUMBER
2151	

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/899,962	SALEH ET AL.	
	Examiner	Art Unit	
	Nghi V. Tran	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 July 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-46* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-46* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 11, 2005 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Callon, U.S. Patent Application Publication No. 2002/0131362, in view of Houji, U.S. Patent No. 5,832,197.

4. With respect to claims 1, 9, 17, 25, 33, 41, 44, and 46, Callon teaches a method for restoring a path in a communication system between zones [figs.2, 7-8 and see abstract] comprising:

- establishing an inter-zone link with a first border node of a source zone with a second border node of an adjacent destination zone [figs. 2 and 7-8];
- identifying an inter-zone link failure between the source zone and the adjacent destination zone [paragraphs 0030-0037];

However, Callon is silent on identifying a pre-planned alternative route, where the pre-planned alternative route meets class of service requirements between the source zone and the adjacent destination zone; informing a node in the adjacent destination zone of the pre-planned alternative route; informing a node in the source zone of the pre-planned alternative route; and providing communication between the adjacent destination zone and the source zone via the pre-planned alternative route.

In a method for restoring a path in a communication system, Houji discloses a method for restoring a path in a communication system comprising:

- identifying a pre-planned alternative route, where the pre-planned alternative route meets class of service requirements between the source zone and the adjacent destination zone [see abstract and fig.1];
- informing a node in the adjacent destination zone of the pre-planned alternative route [fig.2];
- informing a node in the source zone of the pre-planned alternative route [col.2, ln.46 - col.4, ln.38]; and

- providing communication between the adjacent destination zone and the source zone via the pre-planned alternative route [col.1, ln.32 - col.2, ln.31].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Callon in view of Houji by the pre-planned alternative route meets class of service requirements between the source zone and the adjacent destination zone because this feature performs alternate routing and avoids congestion without interrupting a connection [Houji, col.1, ln.28]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Callon in view of Houji, in order to select one of the alternate virtual paths according to their priorities and switches the route to the selected virtual path without interrupting the connection [Houji, col.1, lns.23-25].

5. With respect to claims 2, 10, 18, 26, and 34, Callon further teaches routing the pre-planned alternative route through a transit zone [figs. 2 and 7-8].

6. With respect to claims 3, 6, 11, 14, 19, 22, 27, 30, 35 and 38, Callon further teaches requesting new paths to be established between zones [paragraphs 0030-0037 and 0047-0053].

7. With respect to claims 4-5, 7-8, 12-13, 15-16, 20-21, 23-24, 28-29, 31-32, 36-37, and 39-40, Callon is silent on the pre-planned alternative route is configured based on class of service requirements.

In a method for restoring a path in a communication system, Houij discloses the pre-planned alternative route is configured based on class of service requirements [see abstract and fig.1].

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Callon in view of Jardetzky, and further in view of Houji by the pre-planned alternative route meets class of service requirements between the source zone and the adjacent destination zone because this feature performs alternate routing and avoids congestion without interrupting a connection [Houji, col.1, ln.28]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Callon in view of Jardetzky, and further in view of Houji, in order to select one of the alternate virtual paths according to their priorities and switches the route to the selected virtual path without interrupting the connection [Houji, col.1, lns.23-25].

8. With respect to claims 42-43 and 45, Callon further teaches the processor is further configured to:

- identify an intra-zone failure within at least one of said source zone and said adjacent destination zone [paragraphs 0024-0029]; and
- dynamically identify an alternative route using a distributed restoration process [paragraphs 0030-0037].

Response to Arguments

9. Applicant's arguments with respect to claims 1-45 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. "High speed protection switching in label switched networks through pre-computation of alternate routes," by Jardetzky et al., U.S. Patent No. 6,392,989.

b. "Method and apparatus for distributing and providing fault tolerance to path-vector routing protocols within a multi-processor router," by Agarwal et al., U.S. Patent No. 6,760,777.

c. "System, device, and method for expediting re-convergence in a communication network," by Cain, U.S. Patent No. 6,697,325.

d. "Method, apparatuses and systems facilitating deployment, support and configuration of network routing policies," by Bays et al., U.S. Patent Application Publication No. 2002/0141378.

e. "System in a broadband network," by Oman, U.S. Patent No. 6,832,258.

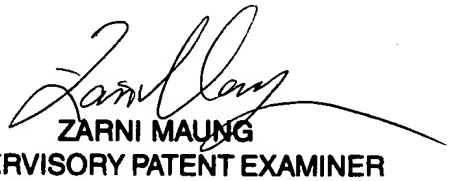
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi V Tran
Patent Examiner
Art Unit 2151

NT



ZARNI MAUNG
SUPERVISORY PATENT EXAMINER